What’s New in Your State?

Alabama
**SB 286** amends the state’s current gun law to allow employees to transport or store a firearm in the employee's privately-owned motor vehicle under certain conditions and prohibits an employer from inquiring whether the employee is transporting or storing a firearm in a private vehicle. This legislation is effective August 1, 2013.

California
On June 26, 2013, the U.S. Supreme Court invalidated an appeal involving California’s [Proposition 8](http://example.com), which amended California’s constitution in 2008 to effectively prohibit same-sex marriages in California (such marriages were permitted from June 16, 2008 through November 4, 2008). The Court’s decision effectively upholds a federal district court ruling that found Proposition 8 unconstitutional and permanently enjoined California from enforcing it. Same-sex marriages resumed in California on Friday, June 28 after the Ninth Circuit lifted the stay on a ruling overturning the state’s Proposition 8 gay marriage ban.

Colorado
Effective July 1, 2013, **SB 13-018** prohibits a covered employer from requiring an employee to consent to a request for a credit report that contains credit or financial information about the employee unless: (1) the employer is a bank or financial institution; (2) the report is required by law; or (3) the report is substantially related to the employee’s current or potential job, and the employer has a bona fide purpose for requesting or using information in the credit report that is substantially related to the employee’s current or potential job and is disclosed in writing to the employee.

Connecticut
Effective October 1, 2013, **SB 910** amends existing law to specify how quickly an employer must provide a current or former employee with access to his or her personnel file. It allows an employer to mail the file to a former employee if they cannot agree on a location for the former employee to inspect the files. The act also requires employers to (1) provide employees with copies of any documentation of a disciplinary action or termination and (2) notify employees that they can include in their personnel file a written statement disagreeing with any information in the disciplinary, termination, or evaluation documents.

**Senate Bill 896** created a Homeless Person’s Bill of Rights to guarantee that the rights, privacy, and property of homeless persons are adequately safeguarded and protected under the laws of Connecticut, including the right to have equal opportunities for employment. This legislation is effective October 1, 2013.

**SB 835**, effective October 1, 2013, extends employment protections for military leave to members of the state armed forces.

**SB 387** increases the state’s minimum wage by 75 cents per hour over a 2-year period, as follows: to $8.70 per hour on January 1, 2014, and then to $9.00 per hour on January 1, 2015.

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* From the declaration of Principles jointly adapted by a Committee of the American Bar Association and a Committee of Publishers and Associations.

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**Delaware**
This legislation (SB 97) adds the term "gender identity" to the already-existing list of prohibited practices of discrimination and hate crimes. As such, it forbids discrimination against a person on the basis of gender identity in housing, employment, public works contracting, public accommodations, and insurance, and it would provide for increased punishment of a person who intentionally selects the victim of a crime because of the victim’s gender identity. It was effective upon signing, June 19, 2013.

On May 22, 2012, Delaware Governor Markell signed House Bill 170, amending the Delaware Insurance Code creating a state mini-COBRA law. Delaware joins nearly 40 other states that created mini-COBRA laws that apply to employers not subject to federal COBRA. Under this new law, individuals who lost coverage under an employer’s group health plan may qualify for continuation of coverage for a period of up to nine months. This law, however, is temporary. It is set to expire January 1, 2014, or earlier if the Supreme Court rules that the Affordable Care Act is unconstitutional.

**Hawaii**
SB 535, effective July 1, 2013, establishes basic rights and protections for domestic workers, entitles workers to overtime pay and time for meal and rest breaks, and provides basic civil rights protections against abuse and harassment.

SB 532, effective July 1, 2013, requires certain employers to provide a reasonable break time for an employee to express breast milk for the employee’s nursing child, as needed, for up to one year after the birth of a child. Employers are to provide such employees with a private location, other than a restroom, to express breast milk.

**Illinois**
The Illinois state legislature has overridden the governor's veto of the Firearm Concealed Carry Act, which allows residents and non-residents who meet specified qualifications to apply for a license to carry a concealed firearm. The Act indicates that employers who wish to prevent the carrying of concealed weapons on their private property must post a sign clearly and conspicuously indicating the prohibition against carrying concealed weapons. The law became effective upon enactment, July 9, 2013.

**Indiana**
Effective July 1, 2013, H 1482 permits individuals convicted of certain crimes to have those records expunged, and also provides that, in any application for employment, a license, or other right or privilege, a person may be questioned about a previous criminal record only in terms that exclude expunged convictions or arrests.
Kansas

H 2022 is effective July 1, 2013, and amends the law regarding deductions from wages in the state. An employer, with assigned written agreement, can withhold from an employee’s wages for: repayment of an employer loan or advance; recovery of an overpayment; and the replacement cost of, or the unpaid balance on, employer merchandise or uniforms purchased by the employee. When a person leaves employment, the bill gives the employer the discretion, contingent upon written notice and explanation to the employee, to deduct any portion of the employee’s final wages for certain purposes. The payroll deductions may not reduce an employee’s wages below the minimum wage rate.

Effective July 1, 2013, HB 2069 prohibits cities, counties, and local government units from using ordinances, resolutions, or law to require private employers to: provide leave, with or without pay, to employees; pay compensation for any leave; pay compensation or wages at a higher rate than the state or federal minimum wage, unless the higher compensation or wages are required by state or federal law; or offer any employee benefit.

Louisiana

H 583, effective August 1, 2013, makes it unlawful discrimination in employment to discharge, otherwise discipline, threaten to discharge, or threaten to discipline any veteran for taking time away from work to attend medical appointments necessary to meet the requirements to receive his or her veterans’ benefits.

Maryland

Effective October 1, 2013, SB 553 prohibits an employer from making a deduction from a tipped employee’s wages or from requiring a tipped employee to reimburse the employer for the amount owed by a customer when a customer leaves without paying.

Minnesota

Effective August 1, 2013, SF 840 amended the Minnesota Parental Leave law to provide that an employee may use personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee’s child, adult child, spouse, sibling, parent, grandparent, or stepparent for reasonable periods of time as the employee’s attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee’s own illness or injury.

Nevada

S127 prohibits an employer from requesting or considering a consumer credit report or other credit information for the purpose of evaluating an employee or prospective employee for employment, promotion, reassignment or retention as an employee unless it meets an exception where the information contained in the credit report is reasonably related to the position of employment. This legislation is effective October 1, 2013.

A181, also effective October 1, 2013, prohibits employers from conditioning employment on a consumer credit report or other credit information with certain exceptions. Further, it prohibits employers from conditioning employment on access to an employee’s social media account.
New Jersey

**S2177** provides that any employee of an employer in the state who was a victim of an incident of domestic violence or whose child, parent, or spouse, domestic partner, or civil union partner was a victim, shall be entitled to unpaid leave of no more than 20 days in any 12-month period as needed for the purpose of engaging in various activities as they relate to the incident of domestic violence. The Act also requires employers to display conspicuous notice of its employees’ rights and obligations pursuant to the provisions of the Act, in such form and manner as the Commissioner of Labor and Workforce Development prescribe. This legislation is effective October 1, 2013.

North Carolina

**SB 91**, effective December 1, 2013, prohibits employers or educational institutions from requesting that job applicants provide information regarding arrests, criminal charges, or criminal convictions that have been expunged.

Oregon

Pursuant to **HB 2903**, every covered employer shall keep summaries of ORS 659A.270 to 659A.285 (Oregon law relating to employment rights of victims of domestic violence, harassment, sexual assault or stalking) and summaries of all rules promulgated by the Commissioner of the Bureau of Labor and Industries for the enforcement of ORS 659A.270 to 659A.285 posted in a conspicuous and accessible place in or about the premises where the employees of the covered employer are employed. Employers may obtain the summaries from the website of the Bureau of Labor and Industries or upon request from the bureau, the first copy of which shall be furnished without charge. This legislation is effective January 1, 2014.

Effective January 1, 2014, **HB 2950** amends the Oregon Family Leave Act (“OFLA”) to permit bereavement leave of up to two weeks to deal with the death of a family member by: (A) Attending the funeral or alternative to a funeral of the family member; (B) Making arrangements necessitated by the death of the family member; or (C) Grieving the death of the family member.

**HB 2669** was effective immediately upon signing and amended existing law so that for purposes of certain enumerated protections, including anti-discrimination provisions, an intern is considered to be in an employment relationship with an employer. An “intern” entitled to the new protections is a person who performs work for an employer for the purpose of training upon meeting specific criteria.

Effective January 1, 2014, **HB 2654** prohibits employers from requiring or requesting either an employee or applicant for employment to provide access to his or her personal social media account, to add the employer to the individual’s social media contact list, or to allow the employer to view an employee’s or applicant’s personal social media account. The bill also prohibits retaliation by the employer against an employee or applicant who refuses to provide access to accounts or to add the employer to a contact list.
**Rhode Island**

*Senate Bill 231*, effective January 1, 2014, expands the state’s Temporary Disability Insurance program so it will cover up to four weeks of wage replacement for workers who take time off to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law or grandparent or to bond with a new child, whether through birth, adoption or foster care. These employees will be entitled to be restored by their employer to the position held by the employee when the leave commenced, or to an equivalent position.

*HB 5079A* raises the state minimum wage beginning January 1, 2014 to $8.00 per hour, and thereafter requires adjustments by the department of labor and training beginning January 1, 2015.

*HB 5507*, effective January 1, 2014, prohibits an employer from inquiring either orally or in writing about an applicant's prior criminal convictions, with certain exceptions, until the first interview with the applicant. An employer may inquire about the applicant's criminal convictions during the first interview and thereafter in accordance with all applicable state and federal laws.

*S 980*, effective January 1, 2014, allows Rhode Island businesses to pay employees on a biweekly basis if their average payroll exceeds 200 percent of minimum wage. There is also a provision allowing companies whose average salary is not at least twice the minimum wage to petition the Department of Labor and Training for the ability to pay biweekly if they show sufficient reason and post a surety bond in the amount of the highest biweekly payroll in the preceding year for the employees subject to the petition.

**Washington**

*SB 5211*, effective July 29, 2013, prohibits employers from requesting, requiring, or otherwise coercing an employee or applicant “to disclose login information for the employee's or applicant's personal social networking account.”

*H2044* effectively delays the implementation of the family leave insurance program until funding and payment of benefits are authorized in law. Prior to the amendment to the law, benefits were scheduled to be payable beginning October 1, 2015.